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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

## Human rights and cultural diversity

### Report of the Secretary-General

#### *Summary*

The present report is submitted pursuant to paragraph 152 of General Assembly resolution 62/155, by which the Assembly requested the Secretary-General to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, for the Assembly at its sixty-fourth session. In light of that request, the Office of the United Nations High Commissioner for Human Rights invited States, United Nations agencies and non-governmental organizations to submit written comments regarding the recognition and importance of cultural diversity among all peoples and nations in the world. The present report provides a summary of the answers received. The comments received from Governments tend to focus on measures taken within the State to promote cultural diversity and to combat racism, xenophobia, intolerance and discrimination.

<sup>a</sup> A/64/150.

## I. Introduction

1. In response to the request for information sent by the Office of the High Commissioner for Human Rights in accordance with General Assembly resolution 62/155, as of 10 July 2009, 10 replies had been received from Member States. The replies are summarized below.

## II. Summary of information received from Governments

### Algeria

[Original: French]

[1 July 2009]

2. The Government of Algeria considers cultural diversity as an essential component of the dialogue between civilizations and cultures. Algeria has actively participated in the discussions on these issues and has ratified several international instruments on the protection of cultural heritage. Algeria has also adopted national legislation to translate those international commitments into domestic law.

3. Algeria has developed a partnership strategy in the cultural domain. In this regard, Algeria has co-organized and will host important cultural events, such as the Pan-African Cultural Festival, and has participated in different international cultural initiatives, including the feasibility study for the creation of the Pan-African Cultural Institute and the renovation of the Great African Museum of Algiers, among others.

4. Algeria has also included the respect for cultural diversity in the Constitution, by recognizing the Amazigh language as a national language. Teaching in different national languages is encouraged in the school system, and the State has supported film and theatre productions in both national languages.

5. Institutionally, Algeria has established bodies in the area of scientific research and dissemination of national cultures with a view to reflecting plurality, international cultural exchanges and cooperation and the preservation of natural parks.

6. Algeria has also employed additional resources to ensure access to cultural expressions, and to build new cultural infrastructure, such as museums, theatres, cinemas, libraries and cultural centres.

### Belarus

[Original: Russian]

[29 May 2009]

7. The population of Belarus consists of more than 130 nationalities. An important factor of inter-ethnic stability is the consistent policy of the Belarusian State of free development of cultures, languages and traditions. Belarus has ratified the main international human rights instruments and its legislation on the rights of members of national communities fully complies with international standards as confirmed by authoritative foreign experts. According to article 15 of the Belarusian

Constitution, the State has the responsibility of preserving the historical, cultural and spiritual heritage and promoting the free development of the cultures of all national communities which are living in the country. Rights and freedoms cannot be restricted on the basis of national or cultural characteristics, and forced assimilation is prohibited.

8. Representatives of main national and cultural communities hold high-level positions in the social structure, economy, politics and culture of Belarus. No conflicts based on ethnic, racial, cultural, linguistic or religious grounds have taken place in the country. In Belarus, there are 123 non-governmental organizations representing 24 national and cultural communities, 41 of which have international status. These organizations carry out cultural, educational, information and charity activities with the support of national, regional, municipal and local authorities.

9. Representatives of all national communities have the right to use their native languages. Different educational institutions teach languages other than Belarusian, such as Polish and Lithuanian. Educational institutions with ethno-cultural components are supplied with corresponding textbooks and materials with the assistance of the Belarus Ministry of Education and of other countries, such as Poland, Lithuania, Latvia, Ukraine, Armenia, the Republic of Korea and others.

10. Belarus has created different bodies to promote intercultural dialogue and cultural pluralism. There is a specific State Programme 2006-2010 to reinforce cultural pluralism and tolerance in Belarus. The Advisory Inter-ethnic Council under the Representative on issues of religions and nationalities offers a good example of constructive interaction and collaboration between national associations and State authorities. The Council is composed of representatives of more than 20 nationalities, representing the interests of national and cultural associations active in Belarus.

11. The promotion of mutual understanding and cooperation between different cultural and religious traditions has also constituted a pillar of Belarusian foreign policy. Belarus participates in a range of bilateral and multilateral initiatives on cross-religious and cross-cultural dialogues and peace support activities within the United Nations framework.

## **Bolivia**

[Original: Spanish]

[15 June 2009]

12. In its reply, Bolivia described efforts undertaken to incorporate cultural diversity in its normative framework and public policies. For example, on 7 February 2007, a new Constitution was promulgated, with important references to cultural diversity.

13. Article 1 of the Constitution proclaims that Bolivia was founded on political, economic, legal, cultural and linguistic pluralism and plurality. Article 3 establishes that "the Bolivian nation is composed by the totality of Bolivian men and women, indigenous nations and peoples, peasants, and inter-cultural and Afro-Bolivian communities, which jointly make up the Bolivian people". Article 98 (I) points out that "cultural diversity constitutes the essential basis of the Plurinational and Communitarian State". Moreover, it states that "inter-culturalism is the instrument

for the cohesion and balanced and harmonic coexistence among all peoples and nations. Interculturalism will recognize differences and equality in conditions". The Constitution establishes that it is a fundamental duty of the State to preserve, develop, protect and disseminate the existing cultures. According to article 100, the heritage, the world view, the myths, the oral history, the dances, the cultural practices and the traditional knowledge and technology of indigenous nations and peoples are considered part of the identity of the State, which is obliged to protect them.

14. The new Constitution also refers to the rights of Afro-Bolivian people and of indigenous peoples that decide to maintain their isolation. Spanish and all indigenous languages spoken in the country are considered official languages, and different State authorities have the duty to use Spanish and at least another language, depending on the area.

15. Bolivia has ratified the major international human rights treaties and endorsed the content of the United Nations Declaration on the Rights of Indigenous Peoples. In order to implement constitutional and international human rights commitments related to cultural diversity, a new Ministry of Cultures was created. The Ministry was mandated to formulate and implement policies to protect and disseminate the different cultures of the country, and to ensure that inter-culturalism and cultural diversity are the basis of national development. The Ministry is also in charge of protecting cultural heritage, ensuring participation of the different nations, peoples and communities and promoting research on the cultural practices of indigenous and native peoples.

16. The promotion of cultural diversity and of the indigenous cultures and world view, and their articulation in national development, have also been included in the National Development Plan and in the National Human Rights Plan 2009-2013 of Bolivia.

## Cyprus

[Original: English]

[4 June 2009]

17. Cyprus offered a very detailed overview of legal and other measures adopted to combat racism, intolerance and xenophobia, which is summarized below.

18. Cyprus has adopted an important number of anti-discriminatory measures, especially since joining the European Union in 2004. Those measures include comprehensive legislation, structural changes and a series of awareness-raising activities, campaigns, conferences, seminars, research and publications.

19. Cyprus has ratified the most important international human rights instruments against discrimination and adopted implementing legislation in different areas. National laws prohibit discrimination on diverse grounds and in different spheres, providing access to courts for victims of discriminatory acts and entrusting different authorities to initiate investigations in cases of alleged violations. A special independent agency, the Commissioner for Administration, was created to combat and eliminate discrimination, both in the public and private spheres. In addition, the Cyprus Equality Body consists of an Anti-Discrimination Body and an Equality Authority.

20. Legislation also exists to ensure the rights of asylum-seekers and foreign nationals, and the judicial system has developed substantive case law in the field of non-discrimination. Furthermore, a number of national action plans have been developed.

21. Regarding campaigns and awareness activities, Cyprus has organized a number of seminars for different stakeholders, including governmental and non-governmental organizations, members of the Parliament and the judiciary, the police, independent bodies, social partners, workers and employers associations, in order to create awareness of existing relevant legislation. Cyprus has also produced and disseminated accessible training materials on issues regarding discrimination, including the rights of persons in custody and the inclusion of multicultural education for police forces. Cyprus also sponsors and monitors awareness-raising activities carried out by the Ombudsman and civil society organizations.

22. The integration policies of Cyprus include the areas of education, employment, social inclusion and cultural integration, with particular attention to the situation of migrant workers, asylum-seekers and their children. The policy on the elimination of discrimination has led to a reform of the school curriculum and to the revision of existing textbooks. The policy is aimed at promoting a culture of peaceful cohabitation, mutual respect and cooperation between Greek and Turkish Cypriots. Specific measures were also taken to promote the social inclusion of Cypriot Roma.

## Greece

[Original: English]

[2 June 2009]

23. In its response, Greece provided a detailed account of measures adopted to combat racism and xenophobia against migrants and vulnerable minorities and to promote intercultural dialogue.

24. Legal measures have been taken to sensitize police officers on issues of respect and protection of human rights, and for dealing with racism, xenophobia and intolerance during police actions. Measures have also been taken to combat racism and xenophobia in the media, including the publication of guidelines to the media on the prevention of discrimination and promotion of diversity. Moreover, public media broadcast and provide information, including programmes on human rights and migrants, in foreign languages.

25. Specific actions, including in cooperation with Albania, Bosnia and Herzegovina, Georgia, the Republic of Moldova and Ukraine, have been taken regarding women's rights, including migrant women, Roma women, women looking after minors or persons with disabilities and victims of trafficking. Other initiatives to combat racism, xenophobia and discrimination and to promote intercultural dialogue have been carried out at the municipal level. Intercultural dialogue is an important part of the relations between Greek local governments and foreign local governments, channelled through different international cooperation agreements.

## Guatemala

[Original: Spanish]

[7 July 2009]

26. Guatemala, in its response, offered a detailed description of the multicultural and multilingual composition of the country's population, comprised of four main cultures (Mayan, Xinca, Garifuna and Ladina) and of more than 25 languages, including 22 Mayan languages.

27. In view of the high levels of poverty and extreme poverty among indigenous groups, a national public policy on coexistence, elimination of racism and racial discrimination has been adopted. The policy is based on seven principles: coexistence, equality, tolerance, inclusion, pluralism, democracy and gender equality. The policy addresses State racism, the notions of racism and racial discrimination, the incidence of racism in Guatemala and indicators of discrimination and racism (including indicators of differences in salaries and access to health care). The overall goal of the policy is to implement actions oriented to the consolidation of a plural State, through the identification and eradication of racism and racial discrimination.

28. The Constitution acknowledges the plural composition of the country's population and recognizes, respects and promotes the lifestyle, customs, traditions, social organization, use of traditional clothes, languages and dialects of indigenous peoples (article 66). The Constitution also recognizes that everyone has a right to participate in cultural life and the rights of individuals and communities to cultural identity, according to their values, customs and languages. Ratification of international treaties and the adoption of legislation to implement the Peace Agreements also reflects respect for cultural rights of indigenous groups. Indigenous groups are institutionally represented in national administrative and development bodies and legislation exists to protect indigenous cultural heritage.

29. Institutionally, Guatemala has established bodies in charge of implementing cultural rights and combating racism and racial discrimination. The Government's Plan of Action for 2008-2012 includes interculturalism as one of four priorities. The inclusion of ethnic groups is considered a central value of public action by the Government, on the basis of which the Ministry for Sports and Culture and the Academy of Mayan Languages have taken the lead in the implementation of programmes to promote the respect of human rights towards the recognition of the cultural and linguistic diversity of Guatemala. The Ministry of Education has implemented a pluricultural and bilingual education programme, to promote teaching and learning in Mayan languages.

30. Economic development has also been approached from the perspective of the respect for cultural pluralism and diversity. Guatemala is implementing an economic development programme focused on enhancing development in rural areas, which focuses on respect for the traditional ways of indigenous organization and trade of indigenous groups.

## Kazakhstan

[Original: English]

[9 June 2009]

31. In its response, Kazakhstan detailed its international initiatives for the development of cooperation between States to strengthen global security and intercultural and interfaith communication.

32. Kazakhstan regularly hosts a congress of leaders of world and traditional religions. In May 2009, Kazakhstan convened the Council on Interaction and Confidence-Building Measures in Asia, organized by the Ministry of Culture and Information in cooperation with the Assembly of Peoples of Kazakhstan. The Forum was an important step towards strengthening intercultural dialogue and the adoption of best practices for inter-ethnic harmony as an effective tool for preserving peace and security in Asia.

33. At the national level, Kazakhstan created in 1995 the Assembly of Peoples of Kazakhstan, a multi-ethnic consultative group and advisory body to the President of Kazakhstan, with constitutional status and representation in Parliament. In Kazakhstan, there are some 3,000 mass media operating in different languages, and State media broadcasts in 13 languages. Linguistic diversity is also reflected in education. Kazakhstan supports the publication of works of culture and science, philosophy and literature, and supports the preservation and protection of historical monuments, some of which are included in the World Heritage List.

## Mexico

[Original: Spanish]

[3 June 2009]

34. In its response, Mexico underscored its vast cultural diversity and provided detailed information about indigenous peoples and communities within Mexico.

35. Almost 10 per cent of the Mexican population is indigenous and the linguistic heritage of Mexico includes 10 linguistic families, 60 linguistic groups and 364 linguistic varieties. Article 2 of the Mexican Constitution notes that Mexico "has a pluricultural composition, originally based on its indigenous peoples". Indigenous peoples have the right to maintain and enrich their language, knowledge and every element constituting their culture and identity, and the State is obliged to ensure these rights at all levels.

36. Regarding the measures taken to promote cultural diversity, Mexico has taken a number of legal initiatives including the adoption of a General Act on Indigenous Peoples' Linguistic Rights, which recognized indigenous languages as national languages. The Act prohibited discrimination on the basis of language and created the National Institute of Indigenous Languages with the mandate of designing strategies and instruments to develop indigenous languages, promoting the knowledge and use of indigenous languages, including through artistic, literary and educational activities, certifying bilingual professionals and promoting research on indigenous languages. Indigenous languages are adequately integrated in education and in access to the justice system.

37. In 2004, Mexico adopted an intercultural health policy to build the capacity of health-care professionals providing services in multi-cultural areas and in incorporating traditional indigenous medicine into the national health system.

38. The submission by Mexico also detailed a number of initiatives led by the National Commission for the Development of Indigenous Peoples. Among these initiatives, actions were taken to strengthen the capacity of indigenous organizations, including women's organizations, to promote indigenous groups' cultural expressions and protect the intangible cultural heritage of indigenous communities.

## Monaco

[Original: French]

[7 July 2009]

39. The Principality of Monaco is a plural community: cultural diversity is reflected in the 123 nationalities comprising its population. Freedom of conscience, expression and association ensure the expression of cultural diversity in Monaco.

40. Monaco has signed different bilateral cultural cooperation agreements and hosted a theatre festival and an international meeting on "Monaco and the Mediterranean". Many cultural associations based in Monaco promote participation in international cultural exchanges and mutual understanding. Monaco has supported dialogues and exchanges between such associations.

## Spain

[Original: Spanish]

[6 July 2009]

41. Cultural diversity is a basic principle of the Spanish and European model and that is relevant in internal and international affairs. At the national level, autonomous communities are empowered to implement their own cultural policies. Internationally, some priorities of Spanish cultural policy (in relation to Latin America, the Mediterranean and Europe) are closely link with the acceptance of cultural diversity.

42. Every society and social group has a cultural capital which reflects the system of values on which its identity was founded. Respect for cultural identities, the protection of cultural heritage, equality of opportunities between all cultures and democratic principles and values are necessary to consolidate cultural dialogue and ensure the cohesion of societies, and to prevent and resolve conflicts. Respect for cultural identity is essential for peace.

43. Spain underlines the importance of the economic and legal protection of cultural diversity, including promoting interculturalism and dialogue between cultures, social cohesion and public support to culture and cultural industries. Culture is a factor for economic development and employment. Culture is necessary to establish synergies among different actors involved in the promotion of cultural rights and to emphasize the importance of cultural diversity within the United Nations system.

44. Cultural diversity has been a basic principle of action by the Spanish Ministry of Culture. Cultural diversity is deeply linked with pluralism and democracy, social cohesion regarding cultural identity and employment, cultural dialogue and the Government's authority to pursue cultural policies, with a view to ensuring that cultural goods and services are commercialized.